

No. 4968 Equity

of ground and the house about 35x 45 feet brick back and front with a kitchen of brick 15x 20 feet It is well located. The house contains 9 good and spacious rooms (Exceptions as to judgments excepted to) There are about £ 500.<sup>00</sup> judgments against my father. He also owns another property in the town of Buckeystown worth about £ 5000.<sup>00</sup>

To Cross Interrogatories the said Cyrus H Poole deposes and says:

My father had not at the time of this sale the title to any other real estate in Frederick County other than the property sold in these proceedings, because he had conveyed the house in Buckeystown to his wife the latter part of 1858 in consideration of a debt which he owed his wife. My father bought the Simmons property of Mrs Simmons at Public sale four years ago this Spring. He agreed to pay for it £ 1700.<sup>00</sup> at the public sale. I had only one interview with Mrs Simmons in regard to Mr Thomas paying off the mortgage. It was in and about 8 or nine days before the sale. I came to town to meet Mrs Simmons only once after her arrangement. I came to town to meet her on Saturday morning according to her arrangement. I can't call to mind whether I went to Mr Jones' house on this Saturday or not. I remember having been to his house on one occasion when he was sick and not in his office. I saw him then about this matter. I don't remember Mr Jones telling me that I had a right to tender Mrs Simmons the mortgage debt costs and expenses and compel her to release the Mortgage. What was said on that subject I don't remember distinctly. I remember he said I was not empowered to do something provided something but I can't remember exactly what. I remember Mr Jones saying something about I could not compel Mrs Simmons to assign the Mortgage. When I went to see Mr Jones I was not under the impression that Mrs Simmons had declined to assign the mortgage. I did not tell Mr Jones that Mrs Simmons had failed to comply with her arrangement; but I told him I thought she had treated me very badly and failed to keep her promise. I meant by "failed to keep her promise" that she came to my house a few days before the property was advertised and made an agreement to meet me in town here to make arrangements in regard to selling the property. She knew I held a power of attorney. The agreement to come to town and not to advertise the property till I met her in town was not in writing.

Signed Cyrus H Poole

Margaret V R Poole a witness of lawful age produced on the part of the exceptant being duly sworn deposes and says:-

I am the daughter of Dr Poole and sister to Cyrus Poole the preceding witness. Mrs Simmons never saw my father about the payment of this mortgage and never demanded of him any thing but the interest which he paid. Mrs Simmons came to the house to see brother the day the property was advertised and agreed with my brother not to advertise the property till he should meet her in Frederick on the Tuesday of the following week. Nothing was to be done with the property till they should meet on the next week and Mrs Simmons came right on to town and advertised the property the same day or the next and we knew nothing of it until we saw it in the paper. I know that my father has authorized my brother Cyrus to attend to his business generally (Excepted to) The property is worth £ 2500.<sup>00</sup> for a home and has a nice brick house with a double parlor and eight other rooms. It has a good barn and carriage house and other out buildings. My father has put improvements on the property since he bought it amounting to about £ 300.<sup>00</sup> or more. The main building is now in nice condition. My brother went down to see Mrs Simmons on Wednesday after the Tuesday he came here to see Mr Thomas. She agreed to meet brother in town on Friday afterwards and on Thursday it was bitter cold weather and she sent word up by her son in law John Goff that she was sick and could not come on Friday but would meet him on Saturday (Last answer Excepted) My brother did come to town on Saturday.

To Cross Interrogatories the said Margaret V R Poole deposes and says: